

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PANO CHURCHILL,

Plaintiff,

V.

SHAG, *et al.*,

Defendant.

Case No. C23-1059RSL

ORDER ADOPTING
REPORT AND
RECOMMENDATION

Having reviewed the Report and Recommendation of the Honorable S. Kate Vaughan, United States Magistrate Judge, any objections or responses,¹ and the remaining record, the Court finds and ORDERS:

1. The Court ADOPTS the Report and Recommendation;

¹ The Court notes that while the Report and Recommendation states that plaintiff is permitted to file objections to the report and recommendation by August 30, 2023, *see* Dkt. # 5 at 2, the Ninth Circuit has held that a plaintiff is not entitled to submit written objections to a Magistrate Judge’s report and recommendation that *in forma pauperis* status should be denied. *See Minetti v. Port of Seattle*, 152 F.3d 1113, 1114 (9th Cir. 1998). Thus, the Court need not address plaintiff’s late-filed objections. *See* Dkt. # 6 (plaintiff’s objections to the Report and Recommendation filed September 1, 2023). However, even considering plaintiff’s objections, the Court agrees with the reasoning of the Report and Recommendation.

ORDER ADOPTING REPORT AND RECOMMENDATION - 1

- 1 2. Plaintiff's Motion to Proceed IFP, Dkt. # 1, is DENIED. Plaintiff is directed to pay the
- 2 full filing fee of \$402.00 within **thirty (30) days** of the date of signature below. If the
- 3 filing fee is not paid, this case will be dismissed;
- 4 3. The Clerk shall file the complaint only on receipt of the filing fee. If no filing fee is paid
- 5 within **thirty (30) days** of the date of this Order, the Clerk is directed to close the file;
- 6 and
- 7 4. The Clerk is directed to send copies of this Order to the parties and to Judge Vaughan.

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9 DATED this 5th day of September, 2023.

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12 Robert S. Lasnik
13 United States District Judge